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ELI LILLY AND COMPANY

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION

20 STATE OF CALIFORNIA *ex rel.* JAYDEEN) Case No. 07-cv-04911-CRB
VICENTE and JAYDEEN VICENTE)
21 Individually,) Assigned to: Hon. Charles R. Breyer
)
22 Relator,) **DEFENDANT ELI LILLY AND**
) **COMPANY'S RE-NOTICE OF MOTION**
23 v.) **TO DISMISS UNDER RULES 12(b)(1),**
) **12(b)(6) AND 9(b)**
24)
)
25 ELI LILLY AND COMPANY,) Date: December 7, 2007
) Time: 10:00 a.m.
26 Defendant.) Place: Courtroom 8, 19th Floor
)
27)
28)

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Eli Lilly and Company hereby re-notices its Motion to Dismiss Under Rules 12(b)(1), 12(b)(6) and 9(b) for 10:00 a.m. on Friday, December 7, 2007, or as soon thereafter as this matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California, in the courtroom of the Honorable Charles R. Breyer. This matter is re-noticed for hearing pursuant to the Reassignment Order of October 15, 2007.

Dated: October 18, 2007

SIDLEY AUSTIN LLP

By: /s/Timothy T. Scott
Timothy T. Scott

Attorneys For Defendant
ELI LILLY AND COMPANY

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Sidley Austin LLP, 555 California Street, San Francisco, California 94104.

On October 18, 2007, I served the document(s) described as:

DEFENDANT ELI LILLY AND COMPANY'S RE-NOTICE OF MOTION TO DISMISS UNDER RULES 12(b)(1), 12(b)(6) AND 9(b)

on all interested parties in this action as follows:

☒ (U.S. MAIL) I served the foregoing document(s) by U.S. Mail, as follows: I placed true copies of the document(s) in a sealed envelope addressed to the interested party as shown below. I placed each such envelope for collection and mailing at Sidley Austin LLP, San Francisco, California. I am readily familiar with the Firm's business practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid.

Mark Zahner, Chief Prosecutor
Brian V. Frankel, Supervising Attorney General
1455 Frazee Road, Suite 315
San Diego, CA 92108

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 18, 2007, at San Francisco, California.

By: _____

Lisa C. Donohue